

REMARKS

This is in response to the Office Action dated September 28, 2004, and the references cited therewith.

Claims 32-51 are now pending in this application, with claim 35 having been amended herein.

§103 Rejection of the Claims

Claims 32-34, 36-43, 45, 50 and 51 were rejected under 35 USC § 103(a) as being unpatentable over Cansell (U.S. Patent No. 4,825,871) in view of Wittkamp (U.S. Patent No. 4,549,548). Claims 44 and 46-49 were rejected under 35 USC § 103(a) as being unpatentable over Cansell (U.S. Patent No. 4,825,871). Claim 35 was rejected under 35 USC § 103(a) as being unpatentable over Cansell (U.S. Patent No. 4,825,871) in view of Wittkamp (U.S. Patent No. 4,549,548) and further in view of Greatbatch (U.S. Patent No. 4,157,720). The rejections are traversed, and reconsideration is respectfully requested.

With respect to the rejections of claims 32-34, 36-43, 45, 50, and 51, the office action asserts that both the Cansell and Wittkamp references teach the use of the device housing as an electrode for delivering defibrillation shocks. The office action further asserts that Wittkamp teaches the use of a programmable switch for changing the electrode configuration. All that Wittkamp appears to disclose, however, is switching between a bipolar and a unipolar configuration. Application finds no teaching or suggestion in either reference, however, for a device with the capability of switching between two different unipolar electrodes for delivering defibrillation shocks with each unipolar electrode being referenced to the device housing used as a third electrode as recited by independent claim 39 or for a method of delivering defibrillation shocks utilizing such switching as recited by claim 43. Applicant further finds no teaching or suggestion for the specific limitations recited by claims 40-42 which depend from claim 39. Withdrawal of the rejections applied to claims 39-43 is respectfully requested.

Applicant further finds no teaching or suggestion in either Cansell or Wittkamp for delivering a defibrillation shock between a first electrode and a second electrode connected in common with the device housing. Contrary to the assertion contained in the office action, the

purpose of such an electrode configuration is not to prevent a dangerous or destructive condition, but rather to produce a specific shocking vector. Such an electrode configuration is recited in terms of a device with that capability by claims 32-38 and in terms of a method by claims 44-51. Applicant also finds no teaching or suggestion for the specific additional limitations recited by claims 33-38 depending from 32, nor for the specific electrode locations as recited by claims 45, 48, and 51. Withdrawal of the rejections applied to claims 32-38 and 44-51 is respectfully requested.

With respect to the rejection of claim 35, that claim has been amended herein to positively recite a structural limitation. Withdrawal of the rejection applied to claim 35 is respectfully requested.

Serial Number: 09/884,862

Filing Date: June 19, 2001

Title: IMPLANTABLE INTRAVENOUS CARDIAC STIMULATION SYSTEM WITH PULSE GENERATOR HOUSING SERVING AS
OPTIONAL ADDITIONAL ELECTRODE

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ROBERT G. HAUSER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(847) 432-7302

Date 1-26-05

By

J. Kevin Parker

Reg. No. 33,024

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of January, 2005.

Paula Suchy

Name

Paula Suchy

Signature